

EXHIBIT 11

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Page 1

1 UNITED STATES DISTRICT COURT
2 CENTRAL DISTRICT OF CALIFORNIA, WESTERN
3 DIVISION

4 NIRVANA LLC, a)
5 Washington Limited)
6 Liability Company,)

7 Plaintiff,)

8 v.)

9 MARK JACOBS)
10 INTERNATIONAL, LLC, A)
11 Delaware Limited)
12 Liability Company SAKS)
13 INCORPORATED, d/b/a)

14 SAKS FIFTH AVENUE, a)
15 Tennessee Corporation;)
16 NEIMAN MARCUS GROUP)
17 LIMITED, LLC, A)
18 Delaware Limited)
19 Liability Company, and)
20 Does 1 through 10,)

21 Defendants.)
22 -----)

Case No.
2:18-cv-10743-
JAK-SK

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February 25, 2020
9:39 A.M.

23 DEPOSITION OF MARC JACOBS, a
24 Defendant, held at the offices of Regus,
25 250 Park Avenue, New York, New York,
before Sandra Noel Bartels, a stenographic
reporter and Notary Public of the State of
New York.

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1 A P P E A R A N C E S:

2

3 KENDALL BRILL & KELLY, L.L.P.

Attorneys for Plaintiff

4 10100 Santa Monica Boulevard

Suite 1725

5 Los Angeles, California 90067

BY: BERT DEIXLER, ESQ.

6 SARAH E. MOSES, ESQ.

7

RIMON, P.C.

8 Attorneys for Plaintiff

2029 Century Park East

9 Suite 400N

Los Angeles, California 90067

10 BY: JILL BERLINER ESQ.

11

KELLEY DRYE & WARREN, L.L.P.

12 Attorneys for Defendants

101 Park Avenue

13 New York, New York 10178

BY: MICHAEL J. ZINNA, ESQ.

14

15 ALSO PRESENT:

Phil Glauberson, Videographer.

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STIPULATIONS

IT IS HEREBY STIPULATED AND AGREED, by
and among counsel for the respective
parties hereto, that the filing, sealing
and certification of the within deposition
shall be and the same are hereby waived;

IT IS FURTHER STIPULATED AND AGREED
that all objections, except as to form of
the question, shall be reserved to the
time of the trial;

IT IS FURTHER STIPULATED AND AGREED
that the within deposition may be signed
before any Notary Public with the same
force and effect as if signed and sworn to
before the Court.

* * *

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1 THE VIDEOGRAPHER: Good morning.
2 We are going on the record at 9:39
3 A.M. on February 25, 2020. Please
4 note that the microphones are
5 sensitive and may pick up whispering,
6 private conversations and cellular
7 interference. Please turn off all
8 cellphones or place them away from the
9 microphones as they can interfere with
10 the deposition audio. Audio and video
11 recording will continue to take place
12 unless all parties agree to go off the
13 record. This is video one of the
14 video recorded deposition of Marc
15 Jacobs in the matter of Nirvana, LLC,
16 versus, Marc Jacobs International,
17 LLC, et al., filed in the United
18 States District Court, Central
19 District of California, Western
20 Division, Case No.
21 218-CV-10743-JAK-SK. This deposition
22 is being held at Regus, located at
23 250 Park Avenue, New York, New York.
24 My name is Phil Glauberson from the
25 firm Veritext and I am the

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1 videographer. The court reporter is
2 Sandra Bartels from Veritext. I am
3 not authorized to administer an oath.
4 I am not related to any party in this
5 action nor am I financially interested
6 in the outcome. Counsel and all
7 present in the room will now state
8 their appearances and affiliations for
9 the record.

10 MR. DEIXLER: Bert Deixler of
11 Kendall, Brill & Kelly on behalf of
12 plaintiff.

13 MS. MOSES: Sarah Moses, Kendall,
14 Brill & Kelly on behalf of plaintiff.

15 MS. BERLINER: Jill Berliner,
16 Rimon Law, on behalf of the plaintiff.

17 MR. ZINNA: Michael Zinna from
18 Kelly Drye & Warren on behalf of
19 defendants.

20 THE VIDEOGRAPHER: Will the court
21 reporter please swear in the witness.

22 M A R C J A C O B S, called as a
23 witness, having been duly sworn by a
24 Notary Public, was examined and testified
25 as follows:

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1 EXAMINATION BY

2 MR. DEIXLER:

3 Q. Good morning, Mr. Jacobs.

4 A. Good morning.

5 Q. Mr. Jacobs, you understand your
6 testimony today is under oath and subject
7 to the penalty of perjury?

8 A. Yes.

9 Q. You understand we are proceeding
10 in this informal setting as though you are
11 testifying in the United States District
12 Court for the Central District of
13 California?

14 A. Yes.

15 Q. And you understand that the
16 videotape of this deposition will be
17 played for a jury in the Central District
18 of California. Do you understand that?

19 A. Okay.

20 Q. I'm going to ask you a series of
21 questions to which I would expect you give
22 me answers. If at any time I ask you a
23 question that you don't understand, will
24 you tell me that?

25 A. Yes.

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1 mine. And so are a lot of smiley faces.

2 Have you ever seen the have a nice day

3 logo?

4 Q. And so you offered for sale
5 commercially a smiley face in the 1980s, a
6 T-shirt or a dress or socks?

7 A. We had T-shirts, yes, and I think
8 pins, badges as well.

9 Q. And that was in the 1980s?

10 A. Yeah, do you want to see it?

11 Q. Yeah, that would be great.

12 A. I looked it up when we were on
13 the break. This is 1985. I just looked
14 it up. That was 1985, that was before
15 Nirvana. And we made sweaters and a
16 T-shirt.

17 Q. Could you send this -- is that --

18 MR. ZINNA: We are not going to
19 send that. That's in the record, that
20 picture, already.

21 BY MR. DEIXLER:

22 Q. Is that a picture of you?

23 A. Yeah.

24 Q. You can take a picture of it.

25 You can also look it up. That's all I

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STATE OF _____)

3

) : ss

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COUNTY OF _____)

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I, MARC JACOBS, the witness

8

herein, having read the foregoing

9

testimony of the pages of this deposition,

10

do hereby certify it to be a true and

11

correct transcript, subject to the

12

corrections, if any, shown on the attached

13

page.

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MARC JACOBS

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Sworn and subscribed to before me,

21

this _____ day of _____, 2020.

22

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Notary Public

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CERTIFICATE

STATE OF NEW YORK)

: SS.:

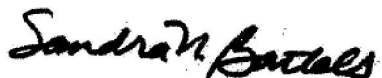
COUNTY OF ORANGE)

I, SANDRA NOEL BARTELS, a Notary
Public for and within the State of New
York, do hereby certify:

That the witness whose
examination is hereinbefore set forth was
duly sworn and that such examination is a
true record of the testimony given by that
witness.

I further certify that I am not
related to any of the parties to this
action by blood or by marriage and that I
am in no way interested in the outcome of
this matter.

IN WITNESS WHEREOF, I have
hereunto set my hand this 10th day of
March 2020.



SANDRA NOEL BARTELS

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----- I N D E X -----

WITNESS	EXAMINATION BY	PAGE
M. JACOBS	MR. DEIXLER	6

----- EXHIBITS -----

NUMBER	DESCRIPTION	PAGE
Exhibit 20	MJI-Nirvana 00658-662	228
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Exhibit 22	MJI-Nirvana 000085-098	253
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INSTRUCTIONS TO WITNESS

Please read your deposition over carefully and make any necessary corrections. You should state the reason in the appropriate space on the errata sheet for any corrections that are made.

After doing so, please sign the errata sheet and date it.

You are signing same subject to the changes you have noted on the errata sheet, which will be attached to your deposition.

It is imperative that you return the original errata sheet to the deposing attorney within thirty (30) days of receipt of the deposition transcript by you. If you fail to do so, the deposition transcript may be deemed to be accurate and may be used in court.

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E R R A T A

I wish to make the following changes,
for the following reasons:

PAGE LINE

_____ CHANGE: _____

REASON: _____

_____ CHANGE: _____

REASON: _____

_____ CHANGE: _____

REASON: _____

_____ CHANGE: _____

REASON: _____

_____ CHANGE: _____

REASON: _____

MARC JACOBS

DATE

SUBSCRIBED AND SWORN TO BEFORE
ME THIS ____ DAY OF _____, 20 .

NOTARY PUBLIC

COMMISSION EXPIRES